

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL D. PIERCE,

No. C 08-04446 SBA (PR)

Plaintiff,

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

v.

DIRECTOR OF CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. Plaintiff filed a completed in forma pauperis application and his prisoner trust account statement; however, he did not file a copy of his certificate of funds. On October 28, 2008, the Court issued an Order Directing Payment of Filing Fee or a Copy of his Certificate of Funds. The Clerk sent Plaintiff another blank in forma pauperis application. The Court directed Plaintiff to either pay the fee or return the completed certificate of funds within thirty days or his action would be dismissed. More than thirty days have passed and Plaintiff has not submitted his certificate of funds.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. Plaintiff's in forma pauperis application is DENIED as incomplete. The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

DATED: 12/10/08

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4  
5

6 MICHAEL D. PIERCE,  
7 Plaintiff,

Case Number: CV08-04446 SBA

**CERTIFICATE OF SERVICE**

8 v.

9 DIRECTOR OF CORRECTIONS et al,  
10 Defendant.  
11 \_\_\_\_\_/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on December 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Michael D. Pierce  
19 CDCR #P-31729  
20 CDCR - Corcoran  
21 P.O. Box 5242  
22 Corcoran, CA 93212

23 Dated: December 12, 2008

24 Richard W. Wieking, Clerk  
25 By: LISA R CLARK, Deputy Clerk  
26  
27  
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